

Message Text

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ACTION EB-07

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DODE-00 INR-07 NSAE-00 PA-01 USIA-06 PRS-01 CAB-02

COME-00 L-03 H-02 IO-11 JUSE-00 /079 W

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R 251956Z FEB 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 8178

INFO DOT WASHDC

FAA WASHDC

FAA BRUSSELS

AMEMBASSY LONDON

AMCONSUL BORDEAUX

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E. O. 11652: N/A

TAGS: EAIR, FR, UK, US

SUBJ: CIVAIR: CONCORDE

1. SUMMARY--SECSTATE OF TRANSPORTATION CAVAILLE HAS ANNOUNCED FRANCE WILL FIGHT NEW YORK LEGISLATURE BAN ON CONCORDE IN COURTS ON GROUNDS OF UNCONSTITUTIONALITY, AND IF NEED BE WILL MAKE DIPLOMATIC ISSUE OF IT. PRESS CHIDES CAVAILLE FOR HIS OUTBURST.

CAVAILLE STATEMENT AND NEW YORK DEVELOPMENTS WERE FOCUS OF INTEREST AT EMBASSY PRESS CONFERENCE ON CONCORDE FEB. 24. CAVAILLE STATEMENT AND OTHER ADVERSE REACTION TO NEW YORK DEVELOPMENTS ARE NOT SURPRISING AFTER SHORT-LIVED EUPHORIA GENERATED BY COLEMAN DECISION. END SUMMARY.

2. AFP REPORTED FEB. 24 STATEMENT MADE EARLIER IN THE DAY ON FRENCH RADIO BY SECSTATE OF TRANSPORTATION CAVAILLE REACTING SHARPLY TO VOTE IN NEW YORK LEGISLATURE THAT WOULD BAN CONCORDE FLIGHTS TO JFK.

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CAVAILLE SAID, "WE, THAT IS, AIR FRANCE AND

BRITISH AIRWAYS, WILL ATTACK THIS IN THE COURTS"
ON THE GROUNDS NEW YORK ACTION IS UNCONSTITUTIONAL.
PROPOSAL FOR REDUCTION OF PERMISSIBLE NOISE LEVEL AT
JFK TO 108 DECIBELS WAS DISCRIMINATORY, HE SAID,
IN THAT OLDER, NOISY SUBSONIC JETS COULD STILL LAND
AT JFK BUT CONCORDE WOULD BE REFUSED THE SAME
RIGHTS. HE SAID THAT FOR TIME BEING ACTION WOULD BE
RESTRICTED TO THE COURTS "AND WE WILL SEE LATER IF
IT IS NECESSARY TO MAKE A DIPLOMATIC ISSUE OF THE
AFFAIR." CAVAILLE REMARKS WERE ALSO PROMINENTLY
FEATURED ON FEB. 25 AM NEWSCASTS REPORTING
GOV. CAREY'S ANNOUNCEMENT HE WILL SIGN BILL VOTED BY
NEW YORK LEGISLATURE.

3. SAME AFP REPORT CITES "FRENCH AERONAUTICAL CIRCLES" AS STATING THAT NEW YORK LAW WOULD BE IN VIOLATION OF THOSE PROVISIONS OF US CONSTITUTION VESTING POWERS IN CERTAIN AREAS TO THE FEDERAL GOVERNMENT, WITH AREA IN QUESTION IN THIS CASE BEING UTILIZATION OF AIR SPACE.

4. LE FIGARO OF FEB. 25 SUPPLEMENTS FACTUAL REPORT OF CAVAILLE REMARKS WITH BRIEF COMMENTARY CHIDING CAVAILLE FOR BEING SO BOLD AS TO PRETEND TO RULE ON WHETHER A US DOMESTIC MEASURE IS CONTRARY OR NOT TO THE US CONSTITUTION. LE FIGARO SUGGESTS THAT UNTIL US COURTS THEMSELVES PRONOUNCE ON SUCH MATTERS "IT WOULD BE BETTER TO ABSTAIN FROM EXCESSIVE LANGUAGE THAT CAN ONLY POISON THE DEBATE." LE MONDE ISSUE ON SALE AFTERNOON FEB. 25 ALSO TAKES CAVAILLE TO TASK FOR SIMILAR REASON: "MR. CAVAILLE'S INTENTION IS PERHAPS TO APPLY PRESSURE TO THE LOCAL AUTHORITIES TO BRING THEM AROUND TO KINDER SENTIMENTS. HIS INTERVENTION RUNS THE RISK, ON THE CONTRARY, OF EXACERBATING THEIR NATIONALISM. AT THE VERY LEAST, IT IS MALADROIT TO PRETEND TO TEACH THE AMERICANS HOW TO READ THEIR OWN CONSTITUTION. AND, FINALLY, THE STATE SECRETARY SEEMS TO BE IGNORANT OF THE FACT THAT ON THE OTHER SIDE OF THE ATLANTIC THE FEDERATED STATES HAVE AN AUTONOMY QUITE DIFFERENT FROM THAT OF LIMITED OFFICIAL USE

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FRENCH REGIONS."

5. CAVAILLE STATEMENT AND OUTLOOK FOR CONCORDE LANDING RIGHTS IN LIGHT OF LATEST NEW YORK DEVELOPMENTS WERE TOPICS ON WHICH INTEREST OBVIOUSLY FOCUSED AT PRESS CONFERENCE EMBASSY HAD SCHEDULED LATE AFTERNOON FEB. 24 FOR RELEASE OF OUR FRENCH TRANSLATION OF COLEMAN DECISION ON CONCORDE. WHEN ASKED AT

OUTSET TO COMMENT ON CAVAILLE STATEMENT, RCAA SAID THAT MANNER IN WHICH GOF AND/OR AIR FRANCE MIGHT CHOOSE REACT TO DEVELOPMENTS IN NEW YORK LEGISLATURE WERE OF COURSE MATTERS FOR THEIR OWN DECISION. HOWEVER, HE SUGGESTED IT WAS PREMATURE TO SPECULATE ON COUNTER-REACTION SO LONG AS PROCEDURE WAS AT A STILL EARLY STAGE AND NEW JERSEY AUTHORITIES, FOR

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EXAMPLE, WERE YET TO BE HEARD FROM. NO FINAL DECISION HAD YET BEEN TAKEN AND HENCE OUTCOME COULD NOT BE PREJUDGED.

6. PRIOR TO PRESS CONFERENCE WE HAD CONTACTED PARIS OFFICE OF ROGERS AND WELLS, US LAW FIRM THAT HAS BEEN RETAINED BY AIR FRANCE FOR CONCORDE LITIGATION. WE WERE TOLD IN CONFIDENCE THAT ROGERS AND WELLS WAS RECOMMENDING TO AIR FRANCE THAT THEY CONSIDER

CONTESTING IN THE COURTS ANY REVISED NEW YORK RULE
THAT WOULD BAN CONCORDE, ON THE GROUNDS NEW YORK COULD
NOT NOW PRE-EMPT FEDERAL GOVERNMENT WHICH, IN COLEMAN
DECISION, HAD AUTHORIZED CONCORDE TO BE USED TO SERVE
JFK. HOWEVER, WE WERE TOLD, NO DECISION HAD YET BEEN
TAKEN SINCE THIS WOULD OF COURSE DEPEND ON FINAL
OUTCOME OF PROCEDURE WHICH NEW YORK LEGISLATURE HAD
INITIATED.

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7. COMMT: GOF OBVIOUSLY HAS NO REASON BE PLEASED
OVER NEW YORK DEVELOPMENTS, THOUGH FACT THAT GAINING
APPROVAL OF LANDING RIGHTS AT JFK IS PROVING TO BE
DIFFICULT CERTAINLY COMES AS NO SURPRISE TO THEM.
CAVAILLE'S REACTION MAY
IN FACT BE INTENDED PARTLY AS PRESSURE TACTIC, THOUGH
PERHAPS IT IS NO MORE THAN ANOTHER OUTBURST OF THE
FOOT IN MOUTH DISEASE WITH WHICH HE IS OCCASIONALLY
AFFLICTED. HOWEVER, WE MUST CONFESS THAT HIS WAS
NOT THE ONLY INITIAL ADVERSE REACTION; AFP HAS ALSO
REPORTED A VIOOROUS PROTEST FROM A REO OF
THE TOULOUSE-BASED COMMITTEE FOR DEFENSE OF
CONCORDE, THE CGT SECTION AT AEROSPATIALE HAS BEEN
MOVED TO ISSUE A PRESS COMMUNIQUE IN PROTEST, THE
PRESIDENT OF THE "YOUNG GISCARDIAN" MOVEMENT HAS
WRITTEN TO YOUNG REPUBLICANS AND DEMOCRATS IN NEW YORK
ASKING THEM TO INTERVENE IN SUPPORT OF CONCORDE;
AND TV COMMENTARY HAS URGED FRENCH TO TAKE ADVANTAGE
OF FRANCO-AMERICAN BICENTENNIAL ACTIVITIES TO PROTEST
NEW YORK ACTION. SUCH THIN-SKINNED REACTION IS
PROBABLY ONLY NATURAL, WE SUPPOSE, REFLECTING A
FEELING OF LET-DOWN AFTER THE EUPHORIA OF SORTS THAT
WAS GENERATED IN FRANCE BY THE COLEMAN DECISION ONLY
LITTLE MORE THAN TWO WEEKS AGO.

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